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EXAMINER
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2687	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 April 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Hollenberg (US .

Patent Number 6,091,956).

Regarding **claim 1**, Hollenberg discloses a method for recording and recalling data

associated with a location, the method including:

using a location aware device (locating means; column 29, line 37-40) to determine a

current location (6a – Figure 2; 6f – Figure 4; 6j – Figure 6, 6r – Figure 11, etc.);

receiving input related to the current location (mobile device's current position is an input

to the device so that a corresponding map can displayed; see e.g. Figure 11)

recording a location bookmark (graphical symbols; column 8, lines 55-60) for the current

location "using" the location aware device, a location bookmark having a bookmark location and

bookmark content, the bookmark location including the current location ("position") and the

bookmark content comprising "data" (for example, the data can be: geographical features,

services or attractions, such as main roads and cities – column 8, lines 34-60, particularly lines

36 and 52; Figure 11 shows exemplary main road "Hwy.22" and exemplary city "Deneba")

associated with the current location based on the received input (the disclosed graphical symbols

read on the claimed "location bookmark" because they are location specific and include location

and content information as depicted by the maps and the graphical symbols therein);

storing the location bookmark (column 8, lines 55-60);

detecting (Figures 2, 4, 6, 11) at some later time that a location of the location aware

device is within a specified proximity to the bookmark location and that a user-defined condition

is satisfied by the bookmark content (as the user approaches a specific location, for example city

"Deneba", a map including the location bookmark (graphical symbols) is displayed as depicted

in Figures 2, 4, 6, 11, etc.; see in particular column 21, line 30 to column 22, line 35; in general

see also column 4, line 31 to column 10, line 42); and

automatically notifying a user of the location aware device of the location bookmark (this

is by displaying the location information, etc. – see Figures 2, 4, 6, 11, etc.).

Regarding **claim 2**, Hollenberg discloses everything claimed as applied above (see *claim

1*). In addition, Hollenberg discloses that a current location is determined by: using a global

positioning system receiver; using an inertial navigation system; or receiving a wireless data

transmission indicating the current location transmitted by a server in a cellular network that

used a signal received by a cellular tower from the location aware device to determine a

geographic location of the location aware device based on the signal. In this case, for example, a

global positioning system (GPS) receiver (column 8, lines 65-67; column 9, lines 41-44)

Regarding **claims 3-4**, Hollenberg discloses everything claimed as applied above (see

claim 1). In addition, Hollenberg discloses that the bookmark content comprises multimedia

content captured at the current location (see Figures 2, 4, 6, 11; also column 10, lines 1-4). The

bookmark content further comprises descriptive content describing at least one of the following:

the current location; the time of recording the location bookmark; the environmental conditions

at the current location; or the multimedia content captured at the current location. In this case, for

example, current location (6a – Figure 2; 6f – Figure 4; 6j – Figure 6, 6r – Figure 11, etc.).

Regarding **claim 5**, Hollenberg discloses everything claimed as applied above (see *claim*

1). In addition, Hollenberg discloses that the bookmark location and the bookmark content are

stored in a searchable database (memory, storage, drives, RAM, etc.; column 5, lines 12-27) as

key-value pairs having user-defined keys and values (see also 38, 39 – Figures 1, 3, 5).

Regarding **claim 6**, Hollenberg discloses everything claimed as applied above (see *claim*

1). In addition, Hollenberg discloses displaying a plurality of location bookmarks to a user,

wherein the location bookmarks are grouped: by bookmark location; by subject matter of the

bookmark content; or chronologically by time of recording the location bookmarks. In this case,

for example, bookmark location, or subject matter of the bookmark content (e.g.: 6h, 6i - Figure

4) (see Figures 2, 4, 6, 11 as cited above).

Regarding **claims 7-8**, Hollenberg discloses everything claimed as applied above (see

claim 1). In addition, Hollenberg discloses that recording a location bookmark for the current

location comprises recording at least one of the following: latitude and longitude of the current

location; or universal transverse Mercator coordinates of the current location. In this case, for

example, latitude and longitude (column 23, line 4). Also recording an elevation (3p – Figure 11;

column 21, lines 38-39; also "distance relationships" column 23, line 3; *inter alia*) of the current

location as part of the location bookmark.

Regarding **claim 9**, Hollenberg discloses everything claimed as applied above (see *claim*

1). In addition, Hollenberg discloses that automatically notifying a user of the location aware

device of the location bookmark comprises emitting a signal from the location aware device

detectable by the user, including an audio signal, visual signal or a mechanical signal including a

vibration. In this case, for example, emitting a visual signal (picture – Figures 2, 4, 6, 11, etc.).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 10-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg

(US Patent Number 6,091,956) in view of Barzegar et al. (US Patent Number 5,559,520).

Regarding **claim 10**, it is a corresponding device claim of method claim 1; therefore,

explanation for claim 1 is incorporated herein. Given the steps for performing, the means for

performing such steps are obvious. The only feature not specifically disclosed by Hollenberg is

that the current location of the device is determined by the device.

In the same field of endeavor, Barzegar et al. teaches a device (Figure 1) wherein the

current location of the device is determined by the device (column 4, lines 53-55) by means of

GPS for the advantage of providing location specific services to the device (col. 1, lines 50-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to provide Hollenberg's device with the capability of determining its

current location by itself for the advantage of providing location specific services to the device is

a more effective fashion, given that Hollenberg's device already have the location data necessary

for such determination (column 29, line 26-30).

Regarding **claim 11**, Hollenberg and Barzegar et al. disclose everything claimed as

applied above (see *claim 10*). Claim 11 is a corresponding device claim of method claims 1-9;

therefore, explanation for claims 1-9 is incorporated herein. In addition, Hollenberg discloses

that the means for determining a current location includes a global positioning system (GPS)

receiver (column 8, lines 65-67; column 9, lines 41-44). The means for obtaining data include a

digital camera (column 29, line 16), voice recorder and keypad (Figure 10). The means for

recording a location bookmark include a memory element incorporated in the device (memory,

storage, drives, RAM, etc.; column 5, lines 12-27). The means for storing the location bookmark

comprise a transmitter for transmitting the bookmark to a remote server and the means for

retrieving the location bookmark comprise a receiver for receiving the location bookmark from

storage (Figures 1, 3, 5). A processor programmed is obvious from the steps explained above for

claims 1-9. Data associated with the current location comprises multimedia content captured at

the current location (see above).

Regarding **claim 12**, Hollenberg and Barzegar et al. disclose everything claimed as

applied above (see *claim 11*). In addition, Hollenberg discloses that the memory element is a

volatile semiconductor memory or a non-volatile semiconductor memory or a microdisk

(memory, storage, drives, RAM, etc.; column 5, lines 12-27).

Regarding **claim 13**, Hollenberg and Barzegar et al. disclose everything claimed as

applied above (see *claim 10*). In addition, Hollenberg discloses that the bookmark location and

the bookmark content are stored in a searchable database (memory, storage, drives, RAM, etc.;

column 5, lines 12-27) as key-value pairs having user-defined keys and values (see also 38, 39 –

Figures 1, 3, 5).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

New grounds of rejection are based on the fact that in view of applicant's amendment the interpretation of "data" has changed. That is, the argued "data" is met by Hollenberg's teaching of geographical features, services or attractions, such as main roads and cities that are included among the Hollenberg's graphical symbols (claimed location bookmark) fully discussed in the rejection above; see for example column 8, lines 34-60 of Hollenberg. Consequently, the arguments against the data being interpreted as "advertising information" are moot.

6.   Applicant's arguments with respect to claims 10-13 filed April 8, 2005 have been fully considered but they are not persuasive.

7.   In response to applicant's argument that Barzengar's system is used to download information to a mobile device (see page 8, first full paragraph of the response), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

8.   Applicant argues that Hollenberg does not disclose detecting that the device is in proximity, and that Barzengar does not disclose recording a location bookmark (see page 8, last paragraph of the response). In response, it should be noted that each reference was not applied for the argued reasons. It is Barzengar who meets detecting that the device is in proximity as argued against Hollenberg; and it is Hollenberg who meets recording a location bookmark as argued against Barzengar. For details see rejection above.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

10.   Any inquiry concerning this communication from the examiner should be directed to
Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally
be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/29/05

ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf
July 29, 2005